



1745  
Bk

IN THE UNITED STATES PATENT OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:

RODNEY M. LAFOLLETTE, ET AL.

Serial No.: 09/930,539

Filed: August 14, 2001

For: MICROSCOPIC BATTERIES FOR MEMS  
SYSTEMS

)  
)  
) Docket: 7310.C  
)  
)

) Art Unit: 1745  
)  
)

) Examiner: RAYMOND ALEJANDRO  
)  
)

**RESPONSE TO ADVISORY MAILED NOVEMBER 23, 2004**

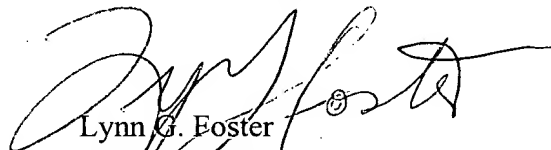
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The requirements of the Advisory mailed November 23, 2004 were cured earlier by a Substitute Amendment in the above-identified application mailed November 12, 2004.

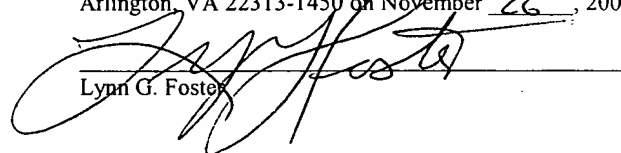
Should there be any further requirement, please contact the undersigned, either in writing or telephonically.

Respectfully submitted,

  
Lynn G. Foster  
Attorney for Appellant/Applicant

602 East 300 South  
Salt Lake City, Utah 84102  
Telephone (801) 364-5633

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Board of Patent Appeals and Interferences, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on November 26, 2004.

  
Lynn G. Foster



UNITED STATES PATENT AND TRADEMARK OFFICE



COPY  
09/1930539

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

**Failure to Acceptably Respond to  
Notice of Non-Compliant Amendment (37 CFR 1.121)  
No New Time Period for Reply is Provided**

The amendment document filed on 11-1-04 and 11-9-04 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 10-22-04. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Missing claims 1-9.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf>.

*Sandra V. Sewell*  
Supervisory Legal Instruments Examiner (SLIE)  
*Cristal Quea*

571-272-1047  
Telephone No.  
571-272-1041



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,539	08/14/2001	Rodney M. LaFollette	7310.C	7186

7590

11/23/2004

Foster & Foster, LLC  
Mr. Lynn G. Foster  
600 E. 300 S.  
Salt Lake City, UT 84102

EXAMINER

ALEJANDRO, RAYMOND

ART UNIT PAPER NUMBER

1745

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

